

JUSTICES OF THE SUPREME COURT OF THE UNITED STATES

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Newspaper Comments.

Whatever confidence one may feel in the determination and ability of the American people to preserve their own liberties, no thoughtful man can contemplate carelessly the new vista opened by the decision of the supreme court in the Porto Rico cases. The cock-a-hoop rejoicings of the ultra-expansionists that the decision declares the United States to possess the same powers of sovereignty as other nations are somewhat reckless. They suggest that we have labored under a grievous disability as compared with other countries, and should be glad now that the majority of the court has declared that militarism, aggression and conquered "colonies" shall replace the benign dogma that all men are entitled to liberty which has made glorious the American code.

The supreme court has enunciated the doctrine that all men are not entitled to liberty. Those men whom we see fit to conquer shall have only such liberty, be it modified or complete, as we give to them. "Governments" no longer shall "derive their just powers from the consent of the governed," because the court says that we have power to establish such government

as we please over conquered peoples without their consent.

The union of the thirteen American colonies was brought into being as a political experiment, based on the proposition that all men are entitled by natural right to freedom and to choose their form of government. The thinkers of Europe waxed cynical over our Declaration of Independence and commented and to look indifferently upon propositions involving great principles. It is not surprising that this disposition has reached even the highest court in the land so that a majority of the members of that court are willing to turn aside from well-established rulings, are willing to abandon well-formed principles for the sake of expediency and in response to the requirements of a political condition.

The American people in these days of prosperity do not realize the great change that has been worked among their institutions. The gradual change has been observed and commented upon by many. But the recent decision of the United States supreme court gives emphasis and authority to that change and establishes, for a time at least, the new faith, which, in comparison with the old faith, is "as opposite as God and Mammon."—Omaha World-Herald.

It must be evident to intelligent men that since the establishment of the Mc-

Kinley administration, "little by little, but steadily as man's march to the grave, we have been giving up the old for the new faith." Gradually we have been drifting away from American moorings. This principle, and then that principle, has been surrendered until we have become quite accustomed to treat lightly all questions of sentiment and to look indifferently upon propositions involving great principles. It is not surprising that this disposition has reached even the highest court in the land so that a majority of the members of that court are willing to turn aside from well-established rulings, are willing to abandon well-formed principles for the sake of expediency and in response to the requirements of a political condition.

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But the real practical effect of Monday's decision promises to be the effect which the majority of the court doubtless intended—to make the whole question of colonies and of the administration of colonies purely political. The supreme court has in effect said to the people:

"If you wish to sell, transfer or trade your new possessions, if you wish to acquire more possessions anywhere or everywhere, the constitution does not forbid. If you wish to govern your subjects as aliens, giving them almost no political rights, the constitution does not forbid. If you wish to incorporate some or all of your colonies into the union either as territories fully under the constitution or as sovereign states, the constitution does not forbid. The constitution does not forbid your congress to do practically as it pleases in the matter of expansion. Upon it and upon you falls the whole responsibility for the wisdom and justice—or the reverse—of whatever is done."

Thus, in the opinion of five of the nine justices who are the final interpreters of our law, the constitution contains no provision against traffic in the territories and political rights of remote and feeble peoples. The law is

silent, but there remain two mightier forces to be reckoned with. Upon them the supreme court does not and cannot pass. But certain it is that the silence of the constitution will not abate the pitiless consequences of violation of the mandates of justice and wisdom.—New York World.

Here is the explanation of the court's action in a nutshell: "We decline to hold" anything that will interfere with the imperial program. We make "concessions." Concessions from what and to what? Obviously from the constitution to the president. We will uphold congress not only in a tax that is not uniform, but also in withholding "the administration of government and justice according to Anglo-Saxon principles." This was not before them—it is gratuitous—it is as completely obiter as the Dred Scot decision. And why this decision? Because "the annexation of distant possessions" may be desirable in the formation of "the American empire." What worse can happen? The supreme court relinquishes its guardianship of the constitution at the demand of the executive. If this be not imperialism realized in all but form, what could be?—Indianapolis Sentinel.

The Commoner.